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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,144	02/24/2006	Shoichi Yamaguchi	120736.00105	8575
27557	7590	08/21/2007		
BLANK ROME LLP 600 NEW HAMPSHIRE AVENUE, N.W. WASHINGTON, DC 20037			EXAMINER MILLER, SAMANTHA A	
			ART UNIT 3749	PAPER NUMBER
			MAIL DATE 08/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,144	Applicant(s) YAMAGUCHI, SHOICHI	
	Examiner Samantha A. Miller	Art Unit 3749	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14, and 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Receipt of applicant's amendment filed on 5/29/2007 is acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-14, and 16-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Shioji (JP 11-002486). Shioji I teaches in the specification and Figs. 1-3 an invention in the same field of endeavor as applicant's invention that is described in the applicant's claims.

Shioji teaches:

1. A shelf for displaying products (3, 5, 20); a first out-of-shelf supply duct (9) that, for controlling environmental conditions in a periphery of the products, supplies first conditioning air adjusted to a first condition; and a second out-of-shelf supply duct (19) that supplies second conditioning air adjusted to a second condition that differs to the first condition, a first connection port (from 8 to 26) that is connected to the first out-of-

shelf supply duct; a second connection port (from 18 to 16) that is connected to the second out-of-shelf supply duct; an opening adjusting means (11, 18, and 20) for adjusting an opening of the first connection port to the first out-of-shelf supply duct and an opening of the second connection port to the second out-of-shelf supply duct, respectively; and a shelf supply duct (20) for blowing (by 8) out at least one of the first conditioning air (2) supplied from the first connection port (from 8 to 26) and the second conditioning air (1) supplied from the second connection port (from 18 to 16) from air outlets disposed at least one of upper and lower surfaces of the shelf (thru movement of 18) wherein in the shelf supply duct, the first conditioning air supplied from the first connection port and the second conditioning air supplied from the second connection port are mixed and the mixed air is blowing out from the air outlets (6) of the shelf (para.0012-0013, coldness and warmth room 1 are mixed with cold air 2 being provided by condenser 14; and blow out from the outlets at 6, para.0018).

3. The first connection port (from 8 to 26) and the second connection port (from 18 to 16) are disposed so as to not coincide in a left-right direction of the shelf (Fig.3), and the shelf supply duct (20) includes a mixing part (18) that extends in the left-right direction (Fig.2) of the shelf so as to connect the first connection port (from 8 to 26) and the second connection port (from 18 to 16), and a supply part that extends from the mixing part in a front-rear direction of the shelf, the supply part being connected to the air outlets and a cross-sectional area of the supply part (at 7) being smaller than that of the mixing part (at 18).

4. The first connection port, the second connection port, and the mixing part are disposed on a base end side (by 9 and 19) of the shelf, and the base end side is a side

where the shelf (3, 5, 20) is attached to at least one of the first out-of-shelf supply duct (9), the second out-of-shelf supply duct (19), and a housing (1, 2) that forms a storage space in which the shelf is disposed.

5. An out-of-shelf discharge duct (10) disposed in parallel with the first out-of-shelf supply duct (9) and the second out-of-shelf supply duct (19), wherein the shelf further comprises a shelf discharge duct (20) that extends in a left-right direction and a third connection port (7) that connects the shelf discharge duct to the out-of-shelf discharge duct (9).

6. The first connection port, the second connection port, and the third connection port are disposed in a line in the left-right direction on a base end side of the shelf, and the base end side is a side where the shelf is attached to at least one of the first out-of-shelf supply duct, the second out-of-shelf supply duct, and a housing that forms a storage space in which the shelf is disposed (Fig.1-2).

7. The first connection port and the second connection port are disposed so as to not coincide in the left-right direction of the shelf and the third connection port is disposed between the first connection port and the second connection port (Fig. 3 shows connect port 7 median between ports 8 to 26 and 18 to 16).

8. The shelf discharge duct (20) is disposed on a base end side of the shelf, and the base end side is a side where the shelf is attached to at least one of the first out-of-shelf supply duct, the second out-of-shelf supply duct, and a housing that forms a storage space in which the shelf is disposed (Fig.3).

9. The shelf (20) further comprises a means for detachably attaching to at least one of the first out-of-shelf supply duct, the second out-of-shelf supply duct (Thru

attaching to self 3), and a housing (1) that forms a storage space in which the shelf is disposed (para.0012 ll.7-8 and Fig.3).

10. Duct-side connection ports of the first out-of-shelf supply duct and the second out-of-shelf supply duct that are respectively connected to the first connection port and the second connection port include dampers (11, 18) that automatically close when the shelf (20) is detached (and moved) (para.0004 and 0011-0013).

11. The openings of the dampers are adjustable by the opening adjusting means of the shelf (para.0004 and 0011-0013).

12. The shelf supply duct (20) includes a first supply duct (9) that outputs one of the first conditioning air (1) supplied from the first connection port (8 to 26) and the second conditioning air (2) supplied from the second connection port (18 to 16) from an upper surface of the shelf and a second supply duct (19) that supplies an other of the first conditioning air and the second conditioning air from a lower surface of the shelf (Fig.3).

13. The shelf supply duct (20) is enclosed inside the shelf (para.0003).

14. A first connection port that is connected to a first out-of-shelf supply duct that, for controlling environmental conditions in a periphery of the products, supplies first conditioning air adjusted to a first condition (1); a second connection port that is connected to a second out-of-shelf supply duct that supplies second conditioning air adjusted to a second condition (2) that differs to the first condition; an opening adjusting means (11, 18, and 20) that adjusts an opening of the first connection port to the first out-of-shelf supply duct and an opening of the second connection port to the second out- of-shelf supply duct, respectively; and a shelf supply duct (20) for blowing out (8) at

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least one of the first conditioning air supplied from the first connection port and the second conditioning air supplied from the second connection port from air outlets disposed in at least one of upper and lower surfaces of the shelf wherein the shelf supply duct mixes and blows out the first conditioning air supplied from the first connection port and the second conditioning air supplied from the second connection port and the mixed air is blowing out from the air outlets (6) of the shelf (para.0012-0013, coldness and warmth room 1 are mixed with cold air 2 being provided by condenser 14; and blow out from the outlets at 6, para.0018).

16. The first connection port and the second connection pod are disposed so as to not coincide in a left-right direction of the shelf, and the shelf supply duct includes a mixing part that extends in the left-right direction of the shelf so as to connect the first connection port (from 8 and 26) and the second connection port (from 18 to 16), and a supply part (7) that extends from the mixing part (18) in a front-rear direction of the shelf, the supply part being connected to the air outlets and a cross-sectional area of the supply part being smaller than that of the mixing part (Fig.2-3).

17. The first connection port, the second connection port, and the mixing part are disposed on a base end side of the shelf, and the base end side is a side where the shelf is attached to at least one of the first out-of-shelf supply duct (9), the second out-of-shelf supply duct (19), and a housing (1, 2) that forms a storage space in which the shelf is disposed (Fig.3).

18. A shelf discharge duct (20); and a third connection port (7) that connects the shelf discharge duct to an out-of-shelf discharge duct (10).

19. The shelf discharge duct (20) is disposed on a base end side of the shelf, and the base end side is a side where the shelf is attached to at least one of the first out- of-shelf supply duct (9), the second out-of-shelf supply duct (19), and a housing (1, 2) that forms a storage space in which the shelf is disposed (Fig.3).

Response to Arguments

Applicant's arguments filed 5/29/2007 have been fully considered but they are not persuasive.

Applicant contends that SHIOJI does not teach warm air being mixed with the cold air. However, claims are afforded their broadest reasonable interpretation. In this instant application, claims 1, 3-14, and 16-19 merely require the first conditioning air supplied from the first connection port and the second conditioning air supplied from the second connection port are mixed and the mixed air is blowing out from the air outlets of the shelf. It should be readily obvious that the coldness and warmth of room 1 are mixed with cold air room 2 being provided by condenser 14 at damper 18 when slid in the right position (para.0012-0013,); and the mixed air is then blown out from the outlets at 6 (para.0018).

Therefore, for the reasons above, the grounds of rejection on all claims 1-20 are deemed proper.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A

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shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samantha A. Miller whose telephone number is 571-272-9967. The examiner can normally be reached on Monday - Thursday 8:00 - 4:30.

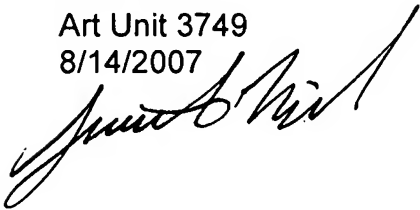
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Samantha Miller
Examiner
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STEVE MCALLISTER
SUPERVISORY PATENT EXAMINER